



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/330,975	06/11/1999	ANDREW EDWARD RYAN	UDL-078	1088

36822 7590 10/22/2004

GORDON & JACOBSON, P.C.  
65 WOODS END ROAD  
STAMFORD, CT 06905

EXAMINER
----------

CHANG, JUNGWON

ART UNIT	PAPER NUMBER
----------	--------------

2154

DATE MAILED: 10/22/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/330,975

Applicant(s)

RYAN, ANDREW EDWARD

Examiner

Jungwon Chang

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This action is responsive to amendment filed on 8/4/2004. Claims 3, 9, 10, 12, 13 and 18 have been amended. Claims 1-30 are presented for examination.

2. The rejection under 35 U.S.C. 112, second paragraph is withdrawn in response to the amendment.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Davies (US 5,608,387), in view of Cote (US 6,690,830).

5. Davies was cited in IDS, PTO-1449 (paper #2).

6. As to claims 1, 14, 16 and 29, Davies discloses substantially as claimed, including a distributed client/server computer network (col. 8, lines 3-4 and 24-26), said network comprising:

a client (31-34, 36, 41, 42, 44, 45, 51-53, 55, 64, 65, fig. 4; col. 5, line 40 – col. 6, line 33); and a remote server (61-63, 66, 67, fig. 4; col. 4, lines 20-23; col. 6, lines 34-48; col. 8, lines 24-26);

means for displaying at least two of said complex images (fig. 2; col. 4, lines 14-17 and 41-53; col. 5, lines 1-21);

means for selecting at least one complex image from said complex images displayed (col. 3, lines 8-16; col. 4, lines 46-58; col. 5, lines 11-21; col. 7, lines 5-18);

means for determining by said remote server, from the identity of each complex image selected, whether the client is authorized to gain access, via the remote server, to a network resource (col. 1, lines 9-10; col. 5, lines 58-61; col. 6, lines 38-42).

7. Davies discloses the client receives a plurality of complex images, each of said complex images having an identity from the server and displays the information on the client display (fig. 2; col. 4, lines 41-53; col. 5, lines 1-21). However, Davies does not specifically disclose non-volatile means in said client for storing a plurality of complex images, each of said complex images having an identity. Cote discloses non-volatile means in said client for storing a plurality of complex images (col. 4, lines 29-34; col. 11, lines 4-7). It would have been obvious to one of ordinary skill in the art the time the invention was made at the time the invention was made to combine the teachings of Davies and Cote because Cote's non-volatile memory at client would increase the capability of Davies's system by adding the memory to the client device.

Davies discloses client selecting a complex image displayed on the client's I/O devices (col. 3, lines 8-16; col. 4, lines 46-58; col. 5, lines 11-21; col. 7, lines 5-18), and then server checking the identity of the complex image selected by the client (col. 6, lines 31-42; col. 1, lines 9-10; col. 5, lines 58-61). However, Davies does not specifically disclose means for transmitting the identity of said selected complex image or images from client to said remote server. It would have been obvious to one of ordinary skill in the art the time the invention was made to include transmitting the data from client to the server because without sending the data to the server, the server can not able to determine whether the client is allowed or denied to access the resource (Davies, col. 2, lines 26-35; col. 5, lines 58-61; col. 6, lines 38-42). Furthermore, Cote discloses means for transmitting the identity of said selected complex image or images from client to said remote server (col. 3, lines 41-45; col. 9, lines 58-60; col. 10, lines 53-55; col. 11, lines 40-49). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the teachings of Davies and Cote because Cote's transmitting the identity only would provide rapid transmission of the complex image and reduce the bandwidth.

8. As to claim 2, Davies discloses at least one key image and at least one dummy image, access to the network resource being gained by the client by selecting the or each key image in preference to the or each dummy image (col. 4, lines 20-23).

9. As to claims 3, Davies discloses the order in which two or more images are

selected is used to determine whether the client is authorized to gain access to the resource (col. 4, lines 32-40).

10. As to claims 4, 6, 7 and 9-11, Davies discloses the dummy images comprise a subset of the reminder of the plurality of images from which the or each key image is chosen (col. 3, lines 8-16); and an alternative set of images to those from which the key image or images are chosen, but which images bear a resemblance to the key image or images (col. 7, lines 61-65).

11. As to claim 5, 8 and 15, Davies discloses the plurality of images are down-loaded from the server to the client (fig. 2; col. 4, lines 41-53; col. 5, lines 1-21).

12. As to claims 12 and 13, Davies discloses the order in which two or more images are chosen determines the order in which the images must subsequently be selected (col. 8, lines 52-61).

13. As to claims 17-28 and 30, they are rejected for the same reasons set forth in claims 1-16 above.

### ***Conclusion***

14. The prior art made of record and not relied upon is considered pertinent to

Art Unit: 2154

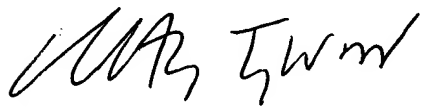
applicant's disclosure:

Evans et al, patent 6,650,889 disclose method and apparatus for storing vocal and facial files on the mobile client terminal.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jungwon Chang whose telephone number is (703)305-9669. The examiner can normally be reached on 9:30-6:00 (Monday-Friday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703)305-8498. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-9669.

A handwritten signature in black ink, appearing to read 'JW Chang', is written above the printed name.

Jungwon Chang  
October 14, 2004